IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2006

C O R A M :

THE HONOURABLE MR.A.P.SHAH, THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE K.CHANDRU

W.P.No.13233 of 2001
&
W.P.Nos. 12745, 13989, 13990, 13994, 15130,15179,15181, 15183, 15330, 16724,17670, 18174, 19913 to 19916, 20710, /2001
&
W.P.Nos. 908, 10261, 11035, 11036, 12610, 23820, 24096, 24316, 41508, 41509, 44982, 46194, 46710/2002
&
W.P.Nos.33, 2222, 11677, 11910, 21131, 22346, 22682, 23581, 24201, 27080/2003
&
W.P.Nos.1324, 7196 to 7198/04, 22879/2003 and W.A.No.312/2003.
&
M.P.Nos. 26110/2001, 30565/2001, 32782/2002, 2805/2003, 8503 to 8506/2004 and 8164/2005.

S.Ganesan ..Petitioner in W.P.13233/01

1. National Association of Indian
Bank Officer,
general Secretary (Regn.No.CPT 878)
Chrompet, Chennai-44.

2. T.A. Asokan ... Petitioners 1 and 2 in W.P.12745/01

T.A. Asokan ... Petitioner in W.P.13989 of 2001

A.A. Padmanabhan ... Petitioner in W.P.13990 of 2001
K.R. Sundararaman ... Petitioner in W.P.13994 of 2001
A. Ravindranathan ... Petitioner in W.P.15130 of 2001
R. Gurumurthy ... Petitioner in W.P.15179 of 2001
R.V. Kailasanathan ... Petitioner in W.P.15181 of 2001
N. Gandhi ... Petitioner in W.P.15183 of 2001
M.R. Dhanmarajan ... Petitioner in W.P.15330 of 2001
S. Jayakumar ... Petitioner in W.P.16724 of 2001
S. Lakshminarasimhan ... Petitioner in W.P.17670 of 2001
M. Boominathan ... Petitioner in W.P.18174 of 2001
R. Sivakumar ... Petitioner in W.P.19913 of 2001
R. Venkatakrishnan ... Petitioner in W.P.19914 of 2001

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K. Paneerselvam ... Petitioner in W.P.19915 of 2001
N. Balaram ... Petitioner in W.P.19916 of 2001
C. Venkat Rao ... Petitioner in W.P.20710 of 2001
K. Mohanrangan ... Petitioner in W.P.908 of 2002
M.K. Rangarajan ... Petitioner in W.P.10261 of 2002
A.D. Gopal ... Petitioner in W.P.11035 of 2002
G. Kumar ... Petitioner in W.P.11036 of 2002
T.R. Krishnan ... Petitioner in W.P.12610 of 2002
D. Arthur Mohan Rajan ... Petitioner in W.P.23820 of 2002
Mrs. Brinda Narayanan ... Petitioner in W.P.24096 of 2002
K. Balan ... Petitioner in W.P.24316 of 2003
K. Aranganathan ... Petitioner in W.P.41508 of 2002
Cherukumudi Siva Srivatsava ... Petitioner in W.P.41509 of 2002
C.S. Raghavan ... Petitioner in W.P.44982 of 2002
M. subramanian ... Petitioner in W.P.46194 of 2002
N. Paramasivam ... Petitioner in W.P.46710 of 2002
R. Lakshminarayanan ... Petitioner in W.P.33 of 2003
P.N. Palani ... Petitioner in W.P.2222 of 2003
Raja Sekhar ... Petitioner in W.P.11677 of 2003
T. Venkateswaralu ... Petitioner in W.P.11910 of 2003
Madapalli Rangaraju ... Petitioner in W.P.21131 of 2003
V. Ramakrishnan ... Petitioner in W.P.22346 of 2003
R. Jegannanthan ... Petitioner in W.P.22682 of 2003
K.N. Kannan ... Petitioner in W.P.23581 of 2003
1. P.N. Palani
2. R. Lakshmi narayanan
3. R. Jegannathan ... Petitioners 1 to 3 in W.P.24201 of 2003

S. Vijaya Subramanian ... Petitioner in W.P.27080 of 2003
Vallathol Bharadwajan ... Petitioner in W.P.1324 of 2004
T.R. Radhakrishnan ... Petitioner in W.P.7196 of 2004
S. Krishna Iyer ... Petitioner in W.P.7197 of 2004
T.V. Santhanam ... Petitioner in W.P.7198 of 2004
C. Suryanarayanan ... Petitioner in W.P.22879 of 2003

सत्यमेव जयते
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1. Indian Bank
rep by its Chairperson and
Managing Director,
31, Rajaji Salai, Chennai-1

2. The Assistant General Manager
Indian Bank
Head Office
Personnel Department
31, Rajaji Salai, Chennai-1 ... Appellants in W.A.312/03
Respondents 1 and 4 in
W.P.31886/02

Vs.

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1. Indian Bank represented by its
Chairman and Managing Director
Head Office, 31, Rajaji Salai, Chennai-1.
2. Union of India,
Rep. by its Secretary to Government,
Ministry of Finance (Banking Division)
North Block, New Delhi - 110 001.
3. The Chairman,
Indian Bank's Association
Stadium House, 6th Floor,Block 3,
Veer Nariman Road, Mumbai-400 020.
4. The Assistant General Manager
Indian Bank, Head Office-Personnel Department
31, Rajaji Salai, Chennai-1.

..Respondents in all Writ Petitions except Wps. 12745/01, 16724/01, 908/02, 23581, 24201 and 27080/03

1.Indian Bank represented by its
Chairman and Managing Director
Head Office, 31, Rajaji Salai, Chennai-1.

2. Union of India,
Rep. by its Secretary to Government,
Ministry of Finance (Banking Division)
North Block, New Delhi - 110 001.

3. The Chairman,
Indian Bank's Association
Stadium House, 6th Floor,Block 3,
Veer Nariman Road, Mumbai-400 020. ... Respondents in W.P.12745/01

1. Indian Bank represented by its
Chairperson, 31, Rajaji Salai, Chennai-1.

2. The General Manager
(personnel & Human Resources)
Indian Bank, rajaji Salai,
Chennai-1.

3. The Assistant General Manager,
Indian Bank, Circle Office 2-B,
Habibullah Estate,
11 M.G. Road, Hazratganj,
Lucknow- 226 001. (U.P) ... Respondents in W.P.16724/01

1. Union of India,
Rep. by its Secretary to Government,
Ministry of Finance (Banking Division)
North Block, New Delhi - 110 001.

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2. The Chairman,
Indian Bank's Association
Stadium House, 6th Floor,Block 3,
Veer Nariman Road, Mumbai-400 020.

3. The Indian Bank,
rep by its Chairperson and
Managing Director, Head office
31, rajaji Salai, Chennai-1.

4. The General Manager (PHR)
Indian Bank,
31, Rajaji Salai, Chennai- 600 001.

5. The Assistant General Manager,
(Valuntary Retirement Scheme Cell)
Personnel Department, Indian Bank,
31, Rajaji slai, Chennai-1. ... Respondents n
W.P.908/2002

1. Indian Bank
rep by its Assistant General Manager,
Head Office, 31, Rajaji Salai, Chennai-1

2. Union of India,
rep by Secretary to Government
Ministry of Finance
(Banking Division)
North Block, New Delhi. 110 001.

3. Indian Bank,
Circle Office,
IV Floor, Liberty Plaza,
Basheer Baugh, Himayat Nagar,
Hyderabad- 500 029. ... Respondents in W.P.23581/02

1. Indian Bank,
rep by its Chairman and
Managing Director,
66 Rajaji Salai, Chennai-1

2. The Chairman,
Indian Banks Association
Stadium House,
6th Floor, Block-3,
Veer Nariman Road,
Mumbai- 400 020.

3. General Manager,
Personnel and Human Resources
Indian Bank,
66 Rajaji Salai, Chennai-1. ... Respondents in W.P.24201/03

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1. The Indian Bank
rep by its Chairperson and
Managing Director,
Head Office,
31, Rajaji Salai, Chennai-1

2. The Assistant General Manager (PHR)
Indian Bank,
No.31, Rajaji Salai,
Chennai-1.

3. Union of India rep by
Secretary to Government,
Ministry of Finance,
(Banking Division)
North Block,
New Delhi- 110 001. ... Respondent in W.P.27080/03

R. Sundharam ... ISt Respondent in W.A.312/03/ Petitioner in W.P.31886/02

2. Union of India,
rep by its Secretary
to Government
Ministry of Finance
(Banking Division)
North Block, New Delhi. ... 2nd Respondent in W.A.312/03/ 2nd Respondent in W.P.31886/02

3. The Chairman
Indian Bank's Association
Stadium House,
Mumbai. ... 3rd Respondent in W.A.312/03/ 2nd Respondent in W.P.31886/02

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Writ Petitions filed under Art 226 of the Constitution of India to issue a writ of certiorarified Mandamus calling for the records of the orders of the fourth respondents in Ref.VRS.2000/11080, dated 7.7.2001, 11797 dated 11.7.2001 11106 dated 6.7.2001, 10412, dated 6.7.2001, 10188 dated 11.7.2001, 11672, dated 11.7.2007 10836 dated 11.7.2001, 12100 dated 6.7.2001, 10365 dated 11.7.2001 10493 dated 7.5.2001, 13162 dated 6.7.2001, 10982 dated 11.7.2001, 11108 dated 6.7.2001, 10199 dated 11.7.2001, 10980 dated 6.7.2001, 11300 dated 11.7.2001, 13979 dated 6.7.2001, 12249 dated 6.7.2001, 10980 dated 7.7.2001, 12363 dated 11.7.2001 respectively quash the same and direct the first respondent to accept the Voluntary Retirement application of the petitioner made under the Indian Bank Employees Voluntary Retirement Scheme 2000 within a period to be stipulated by

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this Court and disburse the benefits under the said Scheme along with the interest at 15% with effect from 26.3.2001 respectively in W.P.No.13233, 13989, 13990, 13994, 15130, 15181, 15183, 15330, 17670, 18174 of 2001, 10261, 11035, 11036, 12610, 24316, 44982, 46710 of 2002 11677, 11910 of 2003 1324 of 2004, 22879 of 2003 respectively.

Writ Petition filed under Art 226 of the Constitution of India for the issuance of a writ of certiorarified Mandamus calling for the records on the file of the Fourth respondent pertaining to his order bearing No.in ref.VRS 2000/ 11797 dated 11.7.2001, 10047 dated 5.3.2001, 10399 dated 5.3.2001, 10667dated 5.3.2001, 12782 dated 7.7.2001, 10403 dated 7.7.2001, 11077 dated 7.7.2001 respectively quash the same and consequently direct the first respondent to accept the application for voluntary retirement submitted by the petitioner under India Bank Employees voluntary Retirement Scheme-2000 with all the benefits due and payable under the said Scheme along with the interest at the rate of 18% within a period stipulated by this Court with effect from 26.3.2001 respectively in W.P.23820 of 2002, 33,2222, 22682 of 2003, 7196, 7197, 7198 of 2004 respectively.

Writ Petition filed under Art 226 of the Constitution of India for the issuance of a writ of certiorarified Mandamus calling for the records relating to the order Ref.No.VRS2000/10750 dated 11.7.2001, 10751 dated 11.7.2001, 11094 dated 11.7.2001, 11099 dated 11.7.2001, 10186 dated 11.7.2001, 10057 dated 7.7.2001, 10398 dated 7.7.2001, 10397 dated 6.7.2001 respectively passed by the fourth respondent and quash the same as being illegal arbitrary and unconstitutional and consequently issue a direction to the respondents bank to accept the petitioners application under the Indian Bank Employees Voluntary Retirement Scheme 2000 and thereby grant him all the benefits under the aforesaid scheme and with 12% interest from the date it became due respectively in W.Ps.19913, 19914, 19915, 19916, 20710 of 2001, 41508, 41509, 46194 of 2002 respectively.

Writ Petition filed under Art 226 of the Constitution of India for the Issuance of a writ of Mandamus directing the first respondent to accept the Voluntary Retirement Applications made under the Indian Bank, Employees Voluntary Retirement Scheme 2000 in respect of the 416 applications which have not yet between processed and disposed within a period to be stipulated by this Court and disburse the benefits under the said scheme along with the interest at 10% with effect from 26.3.2001 in W.P.12745 of 2001.

Writ Petition filed under Art 226 of the Constitution of India for the issuance of a writ of certiorarified Mandamus calling for the records of the orders of the fourth respondent to asertain the reasons for not sanctioning IBEVRS 2000 to the Petitioner and quash the same and to direct the first respondent to accept the Voluntary Retirement Application of the Petitioner made under the IBEVRS-2000 and to disburse the ex-gratia benefits under the said scheme along with the interest @ 15% with effect from 26.3.2001 within a period stipulated by this Court in W.P.15179 of 2001.

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Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified Mandamus call for the records relating to the order of rejection passed by the second respondent dated 6.7.2001 bearing Ref.VRS.2000/13369 quash the same and consequently direct the respondents to allow the petitioner to go on Voluntary Retirement Scheme 2000 in W.P.16724 of 2001.

Writ Petition filed under Art 226 of the Constitution of India for the issuance of a writ of Certiorarified Mandamus calling for the entire records of the fourth and fifth respondents under reference VRS/2000 12736 including the order dated 2.3.2001 made by the fifth respondent and the communication dated 29.11.2001 issued by the fifth respondent, communicating the decision of the fourth respondent rejecting the request of the petitioner for voluntary retirement and quash the same and further direct the respondents to accept the voluntary retirement application of the petitioner made under the Indian Bank Employees Voluntary Retirement scheme 2000 and to disburse the benefits under the said scheme along with interest within a period stipulated by this Court in W.P.908 of 2002.

Writ Petition filed under Art 226 of the Constitution of India for the issuance of a writ of Certiorarified Mandamus calling for the records and order of the fourth respondent in Ref.No.VRS2000/12299 dated 6.7.2001 quash the same and direct the first respondent to accept the Voluntary Retirement Application of the Petitioner made under the Indian Bank Employees Voluntary Retirement Scheme 2000 within a period to be stipulated by this Court and disburse the benefits under the said scheme along with the interest @ 15% with effect from 26.3.2001 also refund with similar interest the amount of Rs.52,344.93 recovered from the petitioner towards notice period in W.P.24096 of 2002.

Writ Petition filed under Art 226 of the Constitution of India for the issuance of a writ of certiorarified Mandamus calling for the records of the order of the first respondent in Ref.VRS.2000/10183 dated 11.7.2001 quash the same and consequently direct the first respondent to accept the voluntary Retirement Application of the Petitioner made under the Indian BAnk, (Employees) Voluntary Retirement Scheme 2000 and to disburse the benefits under the said Scheme along with the interest @ 15% from the date of application till realisation, within a period stipulated by this Court in W.P.23581 of 2003.

Writ Petition under Art 226 of the Constitution of India for the issuance of a writ of certiorarified Mandamus calling for the records of the files of the third respondent pertaining to its circular bearing No.PRNL/46/2000-01 dated 9.11.2000 containing the Indian Bank Employees Voluntary Retirement Scheme 2000 in so far as clause 2 of the eligibility clause contained in the impugned circular which excludes the employees and officers like the petitioner who have executed service bonds from availing the scheme is concerned and quash the same and consequently direct the respondents to accept the application her voluntary retirement scheme dated by the petitioner under the aforsaid scheme and relieve

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him under the Indian Bank Employees Voluntary retirement scheme 2000 with all the monetary and other benefits due and payable under the said scheme along with interest at the rate of 18% per annum from the due date till the date of payment in W.P.24201 of 2003.

Writ Petition filed under Art 226 of the Constitution of India for the issuance of a writ of certiorarified Mandamus calling for the records of the orders of the second respondent in Ref.No.VRS2000/-10761 dated 7.5.2001 and quash the same and consequently direct the first respondent to accept the voluntary Retirement Application of the Petitioner made under the Indian BAnk (Employees) Voluntary Retirement Scheme 2000 and to disburse the benefits under the said Scheme along with the interest @ 15% from the date of application till realisation within a period stipulated by this Court in w.P.27080 of 2003.

Writ Petition filed under Art 226 of the Constitution of India for the issuance of a writ of certiorarified Mandamus calling for the records of the orders of fourth respondent in Ref.No.VRS2000/11944 dated 11.7.2001 and 10189 dated 7.5.2001 respectively quash the same and direct the first respondent to accept the Voluntary retirement Application of the Petitioner made under the Indian Bank Employees Voluntary Retirement Scheme 2000 within a period to be stipulated by this Court and disburse the benefits under the said Scheme along with the interest @ 15% with effect from 11.7.2001 and 7.5.2001 respectively in W.P.21131 and 22346 of 2003.

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 2.8.2002 passed by the Honourable Mr. Justice V. Kanagaraj in W.P.31886 of 2002 pleased to issue writ of certiorarified Mandamus calling for the records relating to order No.VRS 2000/11072 dated 6.7.2001 passed by the fourth respondent and quash the same as being illegal , arbitrary and unconstitutional and consequently issue a direction to the respondent bank to accept the petitioners application under the Indian Bank employee Voluntary retirement scheme 2000 and thereby grant him all the benefits under the aforesaid scheme and with 12% interest from the date it became due.

For 1st Respondent/Bank ... Mr.A.L.Somayaji, senior counsel
For M/s Aiyar and Dolia

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For 2nd respondent/ .... Mr. P.Wilson, Asst. Solicitor General
Union of India

For Petitioners … Mr.N.G.R.Prasad,
Mr.Vijay Narayan, Senior Counsel
Mr.K.M.Vijayan, Senior Counsel
Mr.V.G.SureshKumar,
Mr.L.N.Praghasam,
Mr.R.Kannan,
Mr.M.Rangarajulu,

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Mr.Shivakumar Kennedy
Mr. A.Thirumoorthy,

COMMON JUDGMENT

(JUDGMENT OF THE COURT WAS DELIVERED BY
THE HONOURABLE THE CHIEF JUSTICE)

These writ petitions and the writ appeal involving common questions of fact and law were taken up for hearing together and are being disposed of by this common judgment.

2. The petitioners are officers of the first respondent – Indian Bank. The Indian Bank is one of the nationalized banks under the provisions of Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970. The banks were said to be overstaffed. For the purpose of effective management, man power planning was contemplated by the Ministry of Finance, Government of India, pursuance whereto and in furtherance whereof, the Government considered the desirability of introducing voluntary retirement scheme to help the banks to rightsize their force. In a letter dated 22.05.2000, the Director (IR & BOH), Ministry of Finance advised the public sector banks to carry out detailed manpower planning in order to adopt measures to have optimum human resource at various levels in keeping with the business strategies and requirements of each bank. A Committee was constituted by the Central government to examine the issues confronting the public sector banks in that regard and suggest suitable remedial measures.

3.In the course of deliberations, the Committee noted that the economic reforms set in motion in 1990 have unleashed market forces and competition, which affect all sectors of the economy including the banking sector. The high establishment cost and low productivity in public sector banks which affect their profitability, makes it necessary for the banks to convert their human resource into assets compatible with business strategies through a variety of measures including constant upgradation of skills, achieving a proper age and skill profile, creating opportunities for lateral as well as vertical career progression and inducting fresh, skilled personnel with technical and professional skills for new business opportunities. The Committee further noted that 43% of employees in public sector banks are in the 46+ age group and only 12% are in the 25-35 age group. This pattern has serious implications for the banks with reference to mobility, training, development of skills and succession plans for higher level positions. This, coupled with excess manpower wherever it exists, would come in the way of induction of new skills and proper career progression.

4. In order to remedy this situation with the urgency that circumstances demand, the Committee has placed before the Government two schemes, viz., Sabbatical Leave and a Voluntary Retirement

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Scheme that would assist the banks in their effort to optimize their human resource and achieve a balanced age and skills' profile in keeping with their business strategies. Accordingly, the Government issued no objection to the banks placing the two schemes before their respective Board of Directors for adopting and implementing the above Schemes.

5. Pursuant there to and in furtherance of the said policy decision, the Indian Bank along with other banks adopted separately but almost identical scheme known as "Employees Voluntary Retirement Scheme". The Scheme floated by the Indian Bank called the "Indian Bank Employees Voluntary Retirement Scheme". The said Scheme was applicable in relation to employees who on the date of application had completed 15 years of service or completed 40 years of age. The Scheme was to remain in operation from 27.11.2000 to 26.12.2000. In terms of the said Scheme those who sought for voluntary retirement were entitled to ex-gratia payments as also other benefits as follows:-

| | |
|---|---|
| Amount of Ex-gratia | 60 days salary (pay plus stagnation increments plus special allowance plus dearness relief) for each completed year of service or salary for the number of months service is left, whichever is less.<br><br>While completed years of service will be reckoned for arriving at the minimum eligible service, fraction of service of six months & above will be reckoned as one year for the purpose of calculating the ex-gratia. |
| Other Benefits | 1. Gratuity as per Gratuity Act/Service Gratuity as the case may be<br><br>2.Pension (including commuted value of pension) as per Indian Bank (Employees') Pension Regulations 1995/Bank's contribution towards PF as per rules.<br><br>3. Leave encashment as per rules. |

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6. The Scheme prescribed the eligibility criteria as follows:-

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| | |
|---|---|
| Eligibility | (i) All permanent employees/officers with minimum of fifteen years of completed service or forty years of age as on 26.12.2000 are eligible to apply under the Scheme.<br>(ii) Officers/employees who have executed Special Service Bonds and have not completed the requirements of the Bond as regards tenure or otherwise, Specialist Officers / employees who have executed such Service Bonds and not completed such requirements and Officers / employees serving abroad under Special Arrangement / Bonds are not eligible to avail of the Scheme.<br>(iii) Specialist Officers / Workmen and highly skilled & qualified employees who have been sent abroad / given the specialized training in the area of Foreign Exchange, Investment and Information Technology, etc., are also not eligible to avail of the Scheme.<br>(iv) Employees / Officers against whom DP action has been contemplated / pending or under suspension are not eligible to avail of the Scheme. |

It was made clear that it will be prerogative of the bank management either to accept a request for voluntary retirement or to reject the same depending upon the requirement of the bank.

7. A proforma containing the format of application for offer to seek voluntary retirement was appended with the Scheme which inter alia reads as follows:

"REQUEST FOR VOLUNTARY RETIREMENT

With reference to HO/PRNL/Circular No.46/2000-01 dated 09.11.2000, I hereby apply for retirement under the "Indian Bank Employees Voluntary Retirement Scheme 2000". My age and service particulars are as below:

……

……

……

I have carefully gone through the provisions of the Scheme. The option once exercised by me for VRS is final and irrevocable. I also agree that my application is subject to acceptance and shall be rejected, if so desired at the sole discretion of the Bank.

……

……

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PART.III (I) The information given above are correct. (II) There are no disciplinary proceedings pending or contemplated against the employee/officer. (III) The application of the employee / officer for 'VRS' may / may not be accepted."

8. In response to the Scheme, in all 2542 officers (28.5% of the officers' strength) have submitted their applications as against the bank's estimate of 1560 (17.5% of the officers' strength) under the Restructuring Plan. It was reported to the Board that out of 2542 officers, around 300 offices would become ineligible. The acceptance and relieving of remaining 2242 officers need to be considered taking into account that no recruitment was made during the last 5 years and the sudden exodus of such large number of officers will make it difficult for the bank to cope up with the bank's business growth as projected in the Restructuring Plan. The Board vide letter dated 02.02.2001 directed the Bank to accept the applications of eligible officers and relieve them in stages before April 2001. The process of scrutiny, however, continued for nearly seven months and out of 2542 applications, 1939 applications were accepted, 482 applications were rejected and 114 applications were withdrawn. The petitioners who have put in 15 years of service and having 40 years of age had also submitted their applications, but their applications were rejected on the ground that they fall under the excluded category. The legality and validity of the action of the Bank in rejecting their applications is challenged by the writ petitioners in these writ petitions under Article 226 of the Constitution of India.

9. We have heard Mr.N.G.R.Prasad, Mr.Vijay Narayan, Mr.K.M.Vijayan, Mr.V.G.Suresh Kumar, Mr.L.N.Praghasam, Mr.R.Kannan, Mr.M.Rangarajulu, Mr.Shivakumar Kennedy and Mr. A.Thirumoorthy, learned counsel appearing for the petitioners, Mr.A.L.Somayaji, learned Senior Counsel appearing for the respondent – Bank and Mr.P.Wilson, Assistant Solicitor General appearing for the Union of India.

10. On behalf of the petitioners, it was vehemently contended that the action of the Bank in rejecting their applications is unfair, arbitrary and violative of Article 14 of the Constitution. A number of officers, who are identically placed, have been favoured with orders accepting the request for voluntary retirement, whereas the petitioners who were otherwise eligible were not considered for voluntary retirement, and their applications were rejected and that too without assigning any reason. This policy of accepting the applications of similarly placed persons is highly discriminatory and is in gross violation of Articles 14 and 16 of the Constitution. The process of scrutiny was deliberately delayed with a view to favour certain officers and there was no transparency in the method of accepting or rejecting the applications. Therefore, it was contended that the rejection of the petitioners' applications ought to be quashed and the Bank should be directed to accept the

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voluntary retirement applications of the petitioners in accordance with the Scheme.

11. On the other hand, it was contended on behalf of the Bank that it was clearly mentioned in the Circular on VRS 2000 that the implementation of the Scheme would depend upon the number of applications that were received, the availability of funds and other conditions and that it would be the prerogative of the Bank's management, either to accept the request or to reject the same depending upon the requirement of the Bank. The Bank after taking into consideration of various aspects such as man power planning, financial aspect, and future requirements took a policy decision to accept the VRS applications according to the requirements of the Bank and that cannot be faulted with. The petitioners were not considered for VRS as their applications were not found to be within the parameters and the specific reasons for rejection are available in the Bank's records. It was contended that the Bank completed the exercise in a planned manner so as to relieve the officers without any hindrance to the smooth functioning of the Bank or to its customer service. The sudden exodus of large number of officers would have made it difficult for the Bank to cope up with the planning business as projected in the Restructuring Plan and it was the conscious decision taken by the Bank to relieve its officers in a phased manner.

12. In Bank of India Vs. O.P.Swarnakar , 2003 (2) SCC 721 the moot question posed and answered by the judgment was whether VRS is an offer/proposal or merely an invitation to offer. The question was whether the Voluntary Retirement Scheme being contractual in nature would be governed by the provisions of the Indian Contract Act. In paragraphs 49 & 50, the court held that – (SCC p.750)

> "Para - 49:- an offer indisputably can be made to a group of persons collectively which is capable of being accepted individually but the question which has to be posed and answered is as to whether having regard to the service jurisprudence ; the principles of the Indian Contract Act would be applicable in the instant case. It is the specific case of the "banks" that the Schemes had been floated by way of contract. It does not have any statutory flavour. Reference to the Pension Scheme framed under the Regulations was made for computation of the pension.
>
> Para - 50:- …….. A contract of employment is also a subject-matter of contract. Unless governed by a statute or statutory rules the provisions of the Indian Contract Act would be only applicable at the formulation of the contract as also the determination thereof. Subject to certain just exceptions even specific performance of contract by way of a direction for reinstatement of a dismissed employee is also permissible in law".

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The Court also elaborately analysed the Scheme and held in paragraphs 61, 62, 64, 74, 115 and 121 as follows:-

"para-61:- ……..

(i) The banks treated the application from the employees as an offer which could be accepted or rejected.

(ii) Acceptance of such an offer is required to be communicated in writing.

(iii) The decision-making process involved application of mind on the part of several authorities.

(iv) Decision-making process was to be formed at various levels.

(v) The process of acceptance of an offer made by an employee was in the discretion of the competent authority.

(vi) The request of voluntary retirement would not take effect in praesenti but in future.

(vii) The bank reversed its right to alter/rescind the conditions of the Scheme.

Para-62:- From what has been noticed hereinbefore, it is apparent that the nationalized banks in terms of the Scheme had secured for themselves an unfettered and unguided right to deal with the jural relationship between themselves and their employees.

Para - 64:- Once it is held that the provisions of the Indian Contract Act, 1872 would be applicable, the Scheme admittedly being contractual in nature, the provisions of the Act shall apply. The Scheme having regard to its provisions as noticed hereinbefore would merely constitute invitation to treat and not an offer.

Para - 74:- We, therefore, have no hesitation in coming to the conclusion that the Voluntary Scheme was not a proposal or an offer but merely an invitation to treat and the applications filed by the employees constituted an "offer".

Para - 115:- The Scheme is contractual in nature. The contractual right derived by the employees concerned, therefore, could be waived. The employees concerned having accepted a part of the benefit could not be permitted to approbate and reprobate nor can

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they be permitted to resile from their earlier stand.

Para – 121:- We are furthermore not in a position to accept the arguments of Mr.Mukul Rohatgi to the effect that writ petitions were not maintainable as thereby the writ petitioners intended to enforce a contract. The writ petitioners field the writ petitions, inter alia, questioning the validity of the Scheme. In any event, validity of clause 10.5 of the said Scheme was in question. The appellants herein are "State" within the meaning of Article 12 of the Constitution of India. The questions raised by the writ petitioners thus could be raised in a proceedings under Article 226 of the Constitution of India. Furthermore, in the event it be held that the action of the appellants was arbitrary and unreasonable, the same would attract the wrath of Article 14 of the Constitution of India. Furthermore, the right of the employee to continue in employment, which is a fundamental right under Article 21 of the Constitution of India could not have been taken away except in accordance with law. The decision of this Court in Har Shankar Vs. Dy. Excise and Taxation Commr. (1975) 1 SCC 737 is not apposite. In that case, this Court was concerned with the question as to whether enforcing the terms and conditions of a contract of supply of liquor which is a privilege would be permissible in a writ proceeding. In the aforementioned situation, the writ was held to be not maintainable. Such is not the position herein.

13. In HEC Voluntary Retd. Employees Welfare Society Vs. Heavy Engg. Corpn. Ltd. (2006) 3 SCC 708 in paragraph – 11 held as under: (SCC p.715)

"Para – 11: An offer for voluntary retirement in terms of a scheme, when accepted, leads to a concluded contract between the employer and the employee. In terms of such a scheme, an employee has an option either to accept or not to opt therefore. The scheme is purely voluntary, in terms whereof the tenure of service is curtailed, which is permissible in law. Such a scheme is ordinarily floated with a purpose of downsizing the employees. It is beneficial both to the employees as well as to the employer. Such a scheme is issued for effective functioning of the industrial undertakings. Although the Company is "State" within the meaning of Article 12 of the

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Constitution, the terms and conditions of service would be governed by the contract of employment. Thus, unless the terms and conditions of such a contract are governed by a statute or statutory rules, the provisions of the Contract Act would be applicable both at the formulation of the contract as also the determination thereof. By reason of such a scheme only is an invitation of offer floated. When pursuant to or in furtherance of such a voluntary retirement scheme an employee opts therefore, he makes an offer which upon acceptance by the employer gives rise to a contract. Thus, as the matter relating to voluntary retirement is not governed by any statute, the provisions of the Contract Act, 1872, therefore, would be applicable too (See Bank of India Vs. O.P.Swarnakar, (2003) 2 SCC 721)".

14. In Board of Trustees, Vishakhapatnam Port Trust and Others Vs. T.S.N.Raju and Another, (2006) 7 SCC 664 the Union Ministry of Surface Transport came out with a scheme of voluntary retirement and it was made applicable to all the ports. The first respondent submitted his application for VRS and his application could not be considered for VRS because there were several applications pending and he was very junior in the rank AE(C). By the time the application of senior Aes were processed, the required number had already been arrived at and the case of the first respondent could not be considered. Being aggrieved by non-consideration of his case the first respondent filed a writ petition before the High Court of Andhra Pradesh and the same was allowed, and an appeal preferred before the Division Bench by the Port Trust was dismissed. Allowing the appeal the Supreme Court held as follows:- (SCC p.676 & 679)

Para – 22:- In our opinion, under the Scheme, the Chairman of the Port Trust has an absolute right either to accept or not to accept the applications filed by the employees for retirement under the voluntary retirement scheme. We have already reproduced the entire Scheme dated 29.08.1991 of the Government of India, Ministry of Surface Transport. The Government of India has decided that the Port Trusts and Dock Labour Boards can introduce voluntary retirement scheme with a view to reduce surplus manpower subject to the terms and conditions set out in the voluntary retirement scheme. Clauses 2(a) and 2(b) of the Scheme are very relevant for the present purpose. Clause 2(a) clearly stipulates that an employee who has completed ten years of service or completed 40 years of age may seek voluntary retirement by a written request. Clause 2(b) clearly stipulates that the Port Trust and Dock Labour Board will have a right not to grant voluntary retirement for reasons to be recorded in writing. Clause 6 of the said Scheme provides that the Port Trusts and Dock Labour Boards can introduce a voluntary retirement scheme on the parameters mentioned in the Scheme framed by the

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Government of India after seeking approval of the Ministry.

Para – 33:- In our opinion, the Chairman is competent to frame the scheme having regard to the exigencies of work and no one can claim voluntary retirement as of right. The learned Judges of the High Court have also not seen that the respondent's application for voluntary retirement cannot be considered in view of the seniority of service of the employees concerned.

Para – 34:- In our opinion, the request of the employees seeking voluntary retirement was not to take effect until and unless it was accepted in writing by the Port Trust Authorities. The Port Trust Authorities had the absolute discretion whether to accept or reject the request of the employee seeking voluntary retirement under the scheme. There is no assurance that such an application would be accepted without any consideration. The process of acceptance of an offer made by an employee was in the discretion of the Port Trust. We, therefore, have no hesitation in coming to the conclusion that VRS was not a proposal or an offer but merely an invitation to treat and the applications filed by the employees constituted an offer".

15. In an unreported decision of the Division Bench of this Court in M.Kathiresan Vs. State Bank of India (W.P.No.7784 of 2001 and batch of cases decided on 28.04.2005) the Voluntary Retirement Scheme framed by the State bank of India was modified to the effect that the officers, who are eligible for VRS should have completed 55 years of age on or before 31.12.2000. The new condition was challenged on the ground that it was totally arbitrary and illegal and contrary to the decision of the Central Board of Directors of the bank. Repelling the contention the Division Bench held as follows:-

"In our opinion, there is no merit in these petitions. As stated in paragraphs 8 and 9 of the counter affidavit of the respondent-bank, taking into consideration the sudden exodus of large number of officers and the financial implications which would be caused if the original criteria was implemented the cut-off age was fixed at 55 years. If the bank struck to the initial decision of providing the benefit of SBI VRS to all those who have put in 15 years of service or completed 40 years of age, the result would have been that about 32.44% of the existing officers would have left the bank and there would have also been heavy additional financial burden on the bank. Hence, there was nothing arbitrary or illegal in re-fixing the cut-off age. We see nothing arbitrary or illegal in Clause – 7 of the Circular dated 02.01.2001. Clause – 7 of the said Circular only

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incorporates a policy decision and it is well settled that the Courts cannot ordinarily interfere with policy decisions and administrative decisions vide Tamil Nadu Electricity Board Vs. Tamil Nadu Electricity Board Engineers' Association, (2005) 1 MLJ 507, Union of India Vs. International Trading Company, J.T. 2003 4 SC 549; (2003) 51 A.L.R. 598 (para - 17) G.B.Mahajan Vs. Jalgeon Municipal Council, AIR 1991 SC 1153, Krishna Kakkanth Vs. Government of Kerala, (1997) 9 SCC 495:(2003) 7 SCC 301:AIR 2003 SC 2828 (para-18).

We are of the opinion that fixing the cut off age at 55 years is reasonable, in view of the averments made in paragraphs 8 and 9 of the counter affidavit. There is no violation of Article 14 of the Constitution of India merely because no cut off age has been fixed for non-officers for giving the benefit of the voluntary retirement scheme. Officers and non-officers belong to different categories, and moreover, the number of non-officers opting for VRS are about 10% whereas the applications in the officers' category was 32.44% which is much more than 10%. Hence, there is no discrimination."

16. Similar was the view taken by the High Court of Andhra Pradesh in W.P.No.5664 of 2001 and batch of cases decided on 21.09.2001 and also by the High Court of Bombay in W.P.No.904 of 2001 in the case of Balu S/o. Shankarrao Vaidya Vs. State Bank of India and others decided on 14th March 2001.

17. On behalf of the petitioners heavy reliance was placed on the judgment of the Supreme Court in Manjushree Pathak Vs. Assam Industrial Development Corpn. Ltd. and Others, 2000 (7) SCC 390 where a Voluntary Retirement Scheme was introduced by the Assam Industrial Development Corporation as a special measure providing an option to its employees for voluntary retirement, who had completed 10 years of service in the Corporation or 40 years of age. The appellant Manjushree Pathak was qualified to apply and made an application in the form prescribed, requesting to accept her option for voluntary retirement with immediate effect. The Recommending Authority on the same day recommended for accepting her voluntary retirement. However, the application was not accepted and she was continued in service. Subsequently, a show cause notice was issued to her alleging that she had been participating in the political activities of BJP and that she intended to contest the election on a BJP ticket which amounted to mis-conduct and as such, reply was sought from her. The appellant approached the High Court of Gauhati by filing a writ petition seeking reliefs that the appellant was no longer an employee of the respondent-Corporation having gone on voluntary retirement and to direct the respondent-Corporation to give all retirement benefits by setting aside the show cause notice. The writ petition was allowed by the High Court. Confirming the

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judgment of the High Court, it was held that as per the scheme the Management had discretion to accept or reject the request from any employee for voluntary retirement viewing the organizational requirement and any other relevant facts, but that does not mean that the respondent-Corporation being an authority coming within the purview of Article 12 of the Constitution can abdicate its duty to act reasonably, fairly and judiciously in exercise of discretion. It was held that the subsequent complaint alleging indulgence of the appellant in political activities was not germane to the consideration of the appellant's application, having regard to the relevant factors mentioned in the scheme, particularly, when there was no infirmity or impediment in terms of the scheme in considering and accepting the application of the appellant for voluntary retirement, having regard to the fact that the appellant on her part did what all was required to be done.

18. The next judgment relied upon by the learned counsel appearing for the petitioners is T.N.Srivastava Vs. C.&D., I.O.B., 2004 (2) LLJ 119 where the Division Bench of the High Court of Allahabad found that the bank had acted in a highly arbitrary, discriminatory and mala fide manner in rejecting for the second time the petitioner's application for voluntary retirement. In the previous litigation the Court found that the bank had acted arbitrarily in the petitioner's case and had rejected his application without giving good reasons and the impugned order was quashed and the bank was directed to re-consider the matter in the light of the observations made in the judgment and decide the petitioner's application afresh in accordance with law. The bank, second time rejected the application after the matter was remitted to the bank and this was challenged by the employee by filing a fresh writ petition and the Court on a detailed analysis of the materials on record concluded in paragraph – 38 as follows:-

> "In our opinion, the Bank has adopted a policy of pick and choose and has thus grossly violated Article 14 of the constitution. It seems that there is gross favouritism going on in the Bank in the matter of granting of VRS and this calls for serious inquiries by the Central Government about the functioning of the Indian Overseas bank".

19. The learned counsel for the petitioners also pressed into service an unreported judgment of the Karnataka High Court in the case of State bank of Mysore Vs. M.H.Srinivasan (W.A.No.3058 of 2002 decided on 09.06.2005) where it was held that the State Bank of Mysore being a "State" within the meaning of Article 12 is bound by the constitutional prescription and its action wherever and whenever it operates should reflect this value. It was further held that the annexures R1 and R2 appended to the additional statement and affidavit of the appellant bank would in unmistakable terms disclose that the persons whose applications have been accepted by the management of the bank and who were allowed to retire voluntarily under the scheme are similarly placed with the respondent in the sense that as on the date of the Voluntary Retirement Scheme came

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into force i.e., 27.01.2001 or 30.03.2001, as the case may be, that fortuitous circumstance should not be put against the respondent. By virtue of the final order made by the disciplinary authority on 26.07.2001, the respondent was exonerated from the charge honourably, that means, that the charge memo against him was totally unjustifiable and illegal. It was, therefore, held that the bank management had practiced invidious discrimination in not extending the benefit of the scheme to the respondent.

20. In the light of the decided cases and particularly, having regard to the principles enunciated, we may proceed now to consider the individual writ petitions. For the sake of convenience we have separated the cases into the following different categories, namely., (a) Applications rejected due to bond executed; (b) Applications rejected due to working as Systems Managers (Technical Personnel); (c) Applications rejected due to working in Electronic Data Process (EDP) at Zonal Office, Computer Planning and Policy Department (CPPD) at Head Office; (d) Applications rejected for having undergone training in specialized areas; and (e) Applications rejected due to disciplinary proceedings contemplated/pending.

Re Category (a):

21. W.P.Nos.2222/03, 33/03, 22879/02 and 22682/03. In all these cases, applications were rejected as Officers had executed bonds and therefore, they come under excluded category. The only argument advanced on behalf of the petitioners was that one Mallikarjuna Rao, who had executed bond was relieved under the Scheme. The Bank has, however, explained in its counter affidavit that the said Mallikarjuna Rao's daughter met with an accident and only on the ground of human consideration, he was relieved from service. No other ground was raised in respect of other employees.

Re Categories (b), (c) and (d):

22. W.P.Nos.17670/01, 41509/02, 41508/02, 7196/04, 7197/04, 7198/04, 11677/03, 31886/02, 19916/01, 15330/01, 15179/01, 22568/01, 15181/01, 19915/01, 19913/01, 20710/01, 11910/03, 44982/02, 46194/02, 15130/01, 1324/04, 21131/03, 13989/01, 15183/01, 24316/03, 23820/02, 11036/02, 11035/02, 12610/02, 24096/02, 13994/01, 13990/01, 19914/01 and 10261/02. At the outset, we may mention that in W.P.Nos.7196/04, 7197/04, 7178/04, 11677/03, 11910/03, 1324/04, 21131/03 and 24316/03 though the applications were rejected in July 2001 the writ petitions were filed in 2003 and 2004 and there is absolutely no explanation in the affidavits to justify the delay in filing the writ petitions after a lapse of nearly 2/3 years. These petitions, therefore, are liable to be dismissed on account of delay and laches.

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23. With regard to categories of System Managers, EDP, CPPD and undergone training, there is no dispute that the petitioners fall under these categories which are excluded under the Scheme. The learned counsel appearing for the petitioners, however, submitted that a large number of officers who were identically placed have been favoured with orders accepting their applications for VRS. But in the case of the petitioners in the above writ petitions applications have been rejected. In cases of General Managers, Deputy General Managers who had attended number of training courses including the training abroad, their applications have been accepted. It was contended that the pick and choose policy adopted by the Bank is discriminatory and violative of Articles 14 and 16 of the Constitution. In support of this submission, a reference was made to Annexures 2 to 9 of the affidavit of the petitioner in W.P.No.12745 of 2001. It was argued that in order to show favouritism to certain class of officers, the Scheme has been completely mis-interpreted by the Bank. A submission was also made that subsequently some of the officers, who were not allowed to go on voluntary retirement, were permitted to retire under Pension Scheme Regulations, thus, falsifying the claim of the Bank that the services of these officers could not be dispensed with. On behalf of the Bank the charge of discrimination was strongly refuted. With regard to Annexure – 2 it was submitted that the officers mentioned therein were only working as Administrative Heads and they were not basically computer trained officers and were performing mainly administrative functions. In respect of Annexure – 3, 4 and 5 it was submitted that the Bank took a conscious decision that those who are trained in the credit appraisal/credit management need not be retained and as a result, those officers who had exposure in the credit appraisal/credit management and who had submitted their applications under the Scheme were allowed to go on VRS and their applications were accepted. In respet of Annexure – 6, it was submitted that though the officers were exposed to classroom training in FOREX, all of them were not put into on the job exposure by making them work in the foreign exchange operations where the skill and expertise is required to deal with the foreign exchange. These officers were only working either as Head of the Branch having foreign exchange dealing or they were working in the Overseas Branch without directly getting exposed to foreign exchange operations continuously during their tenure in that Branch. Similarly, in respect of Annexure – 7, it was submitted that the Bank took a decision that in the case of Internal Auditors/Inspectors/Vigilance Officers, the basic training given to them on computer or on auditing did not make them full-fledged computer specialists/computer operators. Further, they had not worked in CPPD/EDP as in the case of computer trained officers. In so far as Annexure 7 to 9 it was submitted that the petitioner cannot compare themselves with the Executives who had been relieved under the Scheme. Though the Scheme is a common scheme for all the employees including Executives and the eligibility criteria is also the same, so far as the requirement and retention of Executives are concerned, they are different. Different parameters were fixed by the Bank and therefore, their cases cannot be compared with that of the petitioners. It was submitted that many of the petitioners were sponsored/deputed by the Bank to undergo specialized training at

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Staff College or external sources like NIBM, TCS, CMC, HCL, etc. The petitioners had successfully completed the training and acquired the skills through job training and became qualified employees/officers. They were "generalized officers" with "specialized training". The Bank had taken a decision to retain them after considering all aspects and weighing the interest of the Bank. It was submitted that some of them were allowed to retire under the Pension Scheme Regulations as the Regulations gives very little scope to the Bank to deny the application for voluntary retirement, as it is their statutory right.

24. With the assistance of the learned counsel appearing for the parties, we have gone through the entire records of the case and we are of the view that there is absolutely no substance in the submission of the petitioners that the Bank had adopted pick and choose policy. In our opinion, the Bank had an absolute discretion either to accept or not to accept the applications of the employees for retirement under the Voluntary Retirement Scheme. As the petitioners were working as System Managers/EDP/CPPD and had received training in information technology and other areas of specialization which rendered them highly useful in the Bank's operations and since, the object of introducing the Voluntary Retirement Scheme was only to downsize the work force, the discretion exercised by the Bank in accepting the applications for voluntary retirement depending upon the nature of the work performed by its employees on case to case basis, cannot be said to be arbitrary or discriminatory. Since, the Bank had the discretion to choose among the specialized officers, and the petitioners having been qualified and identified as personnel whose services were needed for the Bank, the discretion exercised by the Bank in not accepting the petitioners' applications for VRS cannot be faulted with. In our opinion, there is no discrimination or arbitrariness, insofar as the petitioners are concerned and hence, the reliance placed on Annexures 2 to 9 to contend that while the Bank had proceeded to accept the applications of highly qualified specialists in information technology and other sepcialised areas, the petitioners who were similarly placed were not allowed to retire is untenable. Having regard to the fact that the Bank had reserved to itself the discretion to reject the applications if the employees are provided training in specialized areas or working as System Managers/EDP/CPPD, they cannot be eligible to seek such voluntary retirement and insofar as considering such ineligibility the discretion being left with the Bank, the petitioners cannot claim any vested right in seeking such acceptance of their applications for voluntary retirement. The comparison with other officers who are highly specialized, who had received specialized training in specialized areas, would not be a ground when the Bank had reserved discretion with itself in choosing as between the officers of the same cadre and the comparison sought to be placed by the petitioners against such officers would not be tenable.

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Re Category (e):

25. W.P.Nos.18174/01, 46710/02, 13233/01, 16724/01, 13972/01, 27080/03, 23581/03, 22346/03 and 908/02. As regards the last category, namely., disciplinary proceedings contemplated/pending, it is seen from the records that at the time of introduction of the Voluntary Retirement Scheme the petitioners were either facing disciplinary proceedings or disciplinary proceedings were contemplated against them. Each of the petitioners had been ultimately found guilty in the disciplinary proceedings and suitably punished. It was, however, contended that in respect of Mr.S.Nagaiyan, Senior Manager while disciplinary proceedings were pending against him, he was relieved under VRS 2000. The Bank has explained that the charge sheet dated 19.07.2000 was pending against the said officer for the acts of commissions and omissions and the enquiry was completed on 27.01.2001. Based on the findings of the enquiry he was awarded a punishment of reduction of pay by one stage for the period of one year with cumulative effect vide order dated 23.03.2001. As such, before the closure of the Scheme on 11.05.2001, as vigilance clearance was given for having completion of departmental proceedings against him, his application for Voluntary Retirement Scheme was accepted in the normal course and he was relieved from the service. Thus, the case of Mr.S.Nagaiyan is clearly distinguishable. A contention was also raised that on the Bank's own showing in nearly 251 cases where disciplinary proceedings were contemplated, the employees were allowed to retire under the Voluntary Retirement Scheme. The contention is required to be stated only for rejection. In those cases, complaints were merely received or lapses reported but no disciplinary proceedings were contemplated as the Competent Authority had not looked into the said complaints or lapses. Since, the management felt that in those cases an objective view has to be taken by the Competent Authority so that employees should not be deprived of the benefit of VRS. The Competent Authority on the basis of the complaints received or lapses reported called for explanation from the respective officers and then decided not to initiate proceedings relating to 251 cases referred to above because the nature of the reported complaints or lapses were not serious but trivial.

26. In W.P.No.24201 of 2003 the petitioner is seeking to challenge the Scheme which was introduced in the year 2000 and kept open only for the limited period of one month. The petitioner has challenged the Scheme almost after the lapse of three years without any explanation for the delay in challenging the Scheme. W.P.No.12745 of 2001 filed for a mandamus to dispose of all the pending applications under the Voluntary Retirement Scheme has become infructuous in view of the fact that the Bank had already been disposed of all the application by July 2001 itself. Writ Appeal No.312 of 2003 has been filed by the Bank against the order passed by the learned single Judge in W.P.No.31886 of 2002 directing the Bank to consider the petitioner's representation for voluntary retirement on merits and in accordance with law.

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27. In the result, for the foregoing discussion, we find no merit in all these writ petitions and accordingly they are all dismissed. Consequently, W.A.No.312 of 2003 filed by the Bank is allowed. All the connected miscellaneous petitions are closed. No costs.

Sd/-
Asst. Registrar.

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Sub Asst. Registrar.

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5. The Chairperson,
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6 ccs to Mrs. La.Law, Advocate, Sr. 62409 to 62414
4 ccs to M/s. Row and Reddy, Advocate, Sr. 62873 to 62876
1 cc to Mr.K. Sivakumar Kennady, Advocate Sr. 62382
1 cc to Mr.L.N. Praghasam, Advocate, Sr. 62667
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W.P.No.13233 of 2001 & Batch.

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